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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,611	09/17/1999	ERIC FREEMAN	51509-A/RSM	1307

7590 01/03/2003

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/03/2003

#5

Please find below and/or attached an Office communication concerning this application or proceeding.

22

Office Action Summary

Application No.

09/398,611

Applicant(s)

FREEMAN ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 17, 99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to communications: application filed 9/17/1999 and IDS filed 2/10/00.
2. Claims 1-17 were cancelled according to a Preliminary Amendment 12/27/01. Claims 28-40 were added accordingly.
3. Claims 28-40 are pending in this case. Claims 28 and 38 are independent claims.

Specification

4. The use of the trademark Windows and Apple has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology, and associated trademark symbol, i.e. Trademark TM.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 28-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13, 16, 20, and 22 of Freeman U.S. Patent No. 6,006,227. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.

Regarding independent claims 28 & 38, Freeman 227 discloses:

- Receiving data units from other computer systems (compare to “receiving documents from diverse applications in formats that are specific to...”). See claim 13.
- Including each data unit according to the timestamp in the respective chronological indicator in at least the main stream (compare to “automatically associating time-based indicators with the documents received...”). See Freeman 227, claim 13.
- Means for archiving a data unit associated with a timestamp older than a specified time point while retaining the respective chronological indicator and a data unit having a respective alternative version of the content of the archived data unit (compare to “automatically archiving the received documents”). See Freeman 227, claim 22.
- Displaying data from one of the data units in abbreviated form (compare to “creating glance views that are abbreviated versions of respective ones of said documents”). See claim 20.
- Receiving from the user one or more indications of one or more selected segments of the streams corresponding to one or more selected intervals of time, and displaying the selected segments (compare to “selectively displaying at least some of said documents as a receding, foreshortened stack of partly overlapping documents...”). See Freeman 227, claim 16. The claim does not explicitly teach displaying documents as a receding stack of overlapping documents.

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However, it would have been advantageous to one of ordinary skill to utilize overlapping documents because an enhanced graphical representation would have been obtained. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Freeman 227 before him at the time the invention was made, to modify the claims taught by Freeman 227 to include the method of overlapping documents for a simplified graphical representation based on document collections.

- Receiving from a user one or more indications of one or more selected segments of the streams corresponding to one or more selected intervals of time, and displaying the selected segments (compare to “displaying a cursor or pointer and responding to a user sliding the cursor or pointer over said displayed stack to display the glance view of the document in the stack...”). See Freeman 227, claim 16. The claim does not explicitly teach a mouse-over event; however, such events are well known in the art and would have been beneficial to add to the graphical representation of documents from a single screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was to have modified Freeman 227 to include the well known mouse-over events to produce an efficient graphical representation system.

- Generating a main stream of data units and at least one substream, the main stream for receiving each data unit received by or generated by the computer system (compare to “utilizing, in said document stream operating system, subsystems from at least one of a Windows operating system and an Apple operating system for operations including writing documents...”). See claim 13.

Freeman 227 does not explicitly disclose utilizing subsystems from at least one of a windows operating system and Apple operating systems. In claim 4, Freeman discloses a

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computer system, wherein the means for receiving further comprises means for receiving data units from the World Wide Web. The Windows operating system as well as the Apple operating system are employed throughout the World Wide Web for operations which include writing documents to storage media, interrupt handling, and input/output. Either operating system would have provided a proficient method for document stream processing. Therefore, It would have been obvious to one of ordinary skill in the art, having the teaching of Freeman 227 before him at the time the invention was made, to include the well-known Windows operating system or the Apple operating system for use with subsystems to provide an efficient and well-structured document stream operating system.

In reference to claim 39, Freeman 227 discloses:

Generating a main stream of data units and at least one substream, the main stream for receiving each data unit received by or generated by the computer system (compare to “utilizing, in said document stream operating system, subsystems from at least one of a Windows operating system and an Apple operating system for operations including writing documents...”). See claim 13.

Freeman 227 does not explicitly disclose utilizing subsystems from at least one of a windows operating system and Apple operating systems. In claim 4, Freeman discloses a computer system, wherein the means for receiving further comprises means for receiving data units from the World Wide Web. The Windows operating system as well as the Apple operating system are employed throughout the World Wide Web for operations which include writing documents to storage media, interrupt handling, and input/output. Either operating system would have provided a proficient method for document stream processing. Therefore, It would have

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been obvious to one of ordinary skill in the art, having the teaching of Freeman 227 before him at the time the invention was made, to include the well-known Windows operating system or the Apple operating system for use with subsystems to provide an efficient and well-structured document stream operating system.

Regarding dependent claim 40, Freeman 227 discloses:

Displaying data from one of the data units in abbreviated form (compare to “ A method including selectively searching said archived documents for documents meeting selected criteria and generating and displaying a substream...”). See Freeman 227, claim 20. The claim does not explicitly disclose searching through said documents. However, the display of data from one of the data units would have been a proficient task inherently performed after a search was completed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the search method as an added feature to the above claimed document representation methods.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zarmer et al. U.S. Patent No. 5,625,818 filed (9/03/96)

Reitz U.S. Patent No. 5,649,182 filed (3/17/95)_

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043.

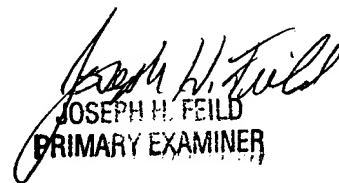
The examiner can normally be reached on 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ML
December 30, 2002


JOSEPH H. FEILD
PRIMARY EXAMINER